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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,712	11/16/2005	Masayuki Satake	052519	8960
38834 7590 10/25/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
HUANG, CHENG YUAN				
ART UNIT		PAPER NUMBER		
1787				
NOTIFICATION DATE		DELIVERY MODE		
10/25/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary

Application No.

10/532,712

Applicant(s)

SATAKE ET AL.

Examiner

CHENG HUANG

Art Unit

1787

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 7-13, 16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 10-13 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7-9, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 September 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 4-5, 7-9, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atagi (JP2000214324A) in view of Miyazawa et al. (U.S. Patent Application Publication No. 2002/0191287).
5. Regarding claim 1, Atagi teaches an adhesive optical film (optical film 3, paragraph [0007]) comprising a first optical film (optical film 1 or phase difference film 24, paragraphs [0012] and [0025]), a first adhesive layer (pressure sensitive adhesive 23, paragraph [0025]), a layer A of a second optical film (TAC film 22, paragraph [0025]) wherein the first adhesive layer inherently has a first surface and a second surface opposite to the first surface (Figs. 1 and 6) wherein the first optical film is adhered to the first surface of the first adhesive layer and the layer A is adhered to the second surface of the first adhesive layer (Fig. 6), and wherein an outer side edge of the first adhesive layer is located on the inside of an outer side edge of the layer A (pressure sensitive adhesive 23 and TAC film 22, Fig. 6).
6. Atagi fails to teach wherein at least a portion of an outer side edge of the first adhesive is located on the inside of an outer side edge of the first optical film such that the entire area of the first adhesive layer is sandwiched between the first optical film and the layer A.
7. However, Miyazawa teaches an adhesive optical film (polarization plate with adhesive, paragraphs [0101]-[0103]) comprising a first adhesive layer (silicone adhesive 425, paragraph [0086]) wherein at least a portion of an outer side edge of the first adhesive layer is located on the inside of an outer side edge of a first optical film (protection plate 423, paragraph [0077]) and located on the inside of an outer side edge of a layer A of a second optical film (base plate 421, paragraph [0079], Figs 3 and 7).

8. It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least a portion of an outer side edge of the first adhesive layer of Miyazawa located on the inside of an outer side edge of a first optical film and located on the inside of an outer side edge of a layer A of a second optical film to seal and enclose layers (Miyazawa, paragraph [0093]). The resulting structure of Atagi as modified by Miyazawa teaches such that the entire area of the first adhesive layer is sandwiched between the first optical film and the layer A.

9. Regarding claims 4 and 5, Atagi fails to disclose an adhesive-type optical film (optical film 3) having the claimed convex and concave shapes of the outer side edge of the first adhesive layer.

10. However, regarding claim 4, Miyazawa teaches an adhesive optical film (polarization plate with adhesive, paragraphs [0101]-[0103]) wherein the outer side edge has a concave edge (silicone adhesive 424, Fig. 7).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention to vary the shape of first adhesive layer in the adhesive optical film of Atagi to control the strength or tightness of adhesion and internal sealability (paragraph [0110]).

12. Furthermore, the claimed limitations are regarded as changes in shape and are generally recognized as a design choice and as being within the level of ordinary skill in the art, absent unexpected results. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). MPEP 2144.04 (IV).

13. Regarding claim 8, Atagi teaches an adhesive optical film (optical film 3, paragraph [0012]) wherein a distance between the outer side edge of the second adhesive layer and the

outer side edge of the first optical film is at most about 150 μm (paragraph [0013]) which overlaps the claimed range of 10 to 300 μm .

14. Regarding claim 9, Atagi teaches an image display device (liquid crystal display) comprising the adhesive optical film (optical film 3, paragraph [0012]) (paragraph [0002]).

15. Regarding claim 17, Atagi teaches further comprising a second adhesive layer (adhesive layer 2, paragraph [0012]), wherein the first optical film intrinsically has a first surface and a second surface opposite to the first surface, and wherein the second adhesive layer is adhered directly upon the first surface of the first optical film and the first adhesive layer is adhered directly upon the second surface of the first optical film (See Fig. 6).

16. Regarding claim 19, Atagi teaches wherein the first optical film (optical film 1 or phase difference film 24, paragraphs [0012] and [0025]) is a protective film.

17. Regarding claim 20, Atagi teaches wherein the second optical film (TAC films 21 or 22, paragraphs [0009] and [0025]) is a protective film.

Response to Arguments

18. Applicants' arguments filed 10 September 2010 have been fully considered but are moot in view of the new ground(s) of rejection.

19. Applicants amended claims to delete a first, second, third, and fourth layers which were previously amended, to overcome the 112, first paragraph rejections of record. Applicants also amended claim 1 to include wherein the first optical film is adhered "directly upon" the first surface of the first and adhesive layer and the layer A is adhered "directly upon" the second surface of the first adhesive layer and "located on the inside of an outer side edge of the layer A

such that the entire area of the first adhesive layer is sandwiched between the first optical film and the layer A”.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENG YUAN HUANG whose telephone number is (571) 270-7387. The examiner can normally be reached on Monday-Thursday from 8 AM to 4 PM.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho, can be reached at 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. H./
Cheng Yuan Huang
Examiner, Art Unit 1787
October 14, 2010

/Callie E. Shosho/
Supervisory Patent Examiner, Art Unit 1787